

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 15, 2008**

Present: Commissioners Lythgoe and Weber; Carl Purdy, Information Technology Manager;
Matt Johnson, County Attorney; Bonnie Ramey, Clerk and Recorder; Greg Duncan, Dave Kirsch
Absent: Commissioner Notbohm

MINUTES

Commissioner Weber moved to approve the minutes of January 8. Commissioner Lythgoe seconded. The motion carried.

REPORTS

Receipt of December expense and revenue reports from the Clerk and Recorder.

CALENDAR REVIEW

- 1/15 Fire Council - Willow Creek - 7:00
- 1/16 Meeting with Solid Waste employees - 8:00
- Elkhorn Mine Working Group - 10:00
- 1/17 CTAC - Whitehall - 8:00
- Headwaters - Butte - 2:30
- Zoning Commission - 4:00
- MTAG - 5:00
- 1/18 Meeting regarding fire standards for subdivision - MACo - 10:00

COMMISSION REPORTS

PLANNING BOARD

Commissioner Weber reported that they had the combined Planning Board/ Commission meeting on the 9th. The Planning Board reviewed a subdivision then they and the Commission had a lengthy discussion about what happens when things leave the Planning Board and move forward and things not going back to the Planning Board, give-and-take on their recommendations and

discussion of why their recommendations may not have been followed. He stated that it was a good discussion. There is definitely a need, from the Planning Board perspective, for the state to look at some of their regulation which we need to follow. There was a lot of concern regarding water use and how the state regulates that. Commissioner Lythgoe stated that it was discuss and decided that the Planning Department would be more responsive to the Planning Board, in that if Planning Board makes a recommendation that the Planning Department follows up and gets information back to the Planning Board.

RURAL SCHOOLS FUNDING

Commissioner Weber reported that on the 10th had a conference call with NACo members and other County Commissioners from Montana, Washington, Oregon and Nevada regarding NACo's wish to see a concerted effort by County Commissioners to write editorials to local papers regarding rural schools funding. It was agreed that Max Baucus is the most influential senator in our area and pressure needs to go in that direction. He is supportive, but it was noted that there is a difference between supportive of an issue versus pushing an issue. Denny Rehberg has also indicated that he supports this, but it hasn't reached the House yet.

LIBRARY BOARD

Commissioner Weber reported on the Library Board meeting held on the 10th. There was discussion regarding north end library needs. A speaker from the state library was in attendance to discuss long-range planning for the county as a whole. Another subcommittee will be formed.

TSEP BRIDGE GRANTS

Commissioner Weber reported that the Commission met with Bill Lloyd regarding bridges the previous day. They are working on which bridges to apply for the next TSEP cycle.

TIF DISTRICTS

The Commissioners heard a presentation regarding Tax Increment Finance districts from members of the JLDC and their consultant, Janet Cornish. They learned a lot, but there are still a few questions that need to be answered.

DUI TASK FORCE GRANT POSITIONS

Commissioner Weber reported that earlier in the day, he took part in interviews for the people who will be developing answers related to teen alcohol abuse. Interviews will continue tomorrow.

CORRESPONDENCE

A letter of support for the Jefferson Valley Community Foundation receiving a leadership grant was presented for signature. They are working on the Whitehall walking/bike trail. Commissioner Weber read the letter (on file in the Clerk and Recorder's office). Commissioner Lythgoe stated that he can support the letter. Commissioner Weber moved to sign the letter. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS RECEIPT OF PETITION FOR ABANDONMENT OF A COUNTY ROAD

Commissioner Weber stated that the Commission has received a petition for abandonment of a county road. The petition has been reviewed and certified by the Clerk and Recorder, and was signed by more than 10 freeholders in the area. Greg Duncan stated that he is the one who started the petition. At present, there isn't any sort of road over most of the designated roadway, and there are adequate county roads for access in the area. He stated that this potential right-of-way constitutes a cloud on the title of everybody that lives up there that this touches their property. It appears that there is no practical reason or use for this possible right-of-way at this time. Therefore, he and the signators are asking that it be abandoned at this time. He does have some additional signatures that will be forthcoming also. Commissioner Lythgoe asked if this is appropriately labeled – county road versus county right-of-way. Greg stated that he thinks that the two are interchangeable. There is certainly nothing there that is constructed to current county standards; it is more a right-of-way than a road. If the Commission wishes, he can amend this to right-of-way. Commissioner Lythgoe asked Matt if it is necessary to file an amended petition. Matt stated that statute calls it a road. But then, too, it could be right-of-way or it's simply an easement. He believes that it is all stated correctly. He noted that he has to be careful on his wording, because the County is currently in litigation over this whole thing. Having a petition wanting the road or right-of-way abandoned, the County has yet to acknowledge that it is so. Matt stated that he is comfortable with either designation. He believes that the litigation speaks to it as a road. He would recommend that the Commission accept the petition as called for in statute and then designate a Commissioner to view the road in question per statute.

Commissioner Lythgoe stated that it certainly isn't a road at this point. Greg stated that it was the statutes of 1885 that established the process for establishing a county road. He thinks where the confusion comes in is that in 1885, they didn't have elevations and current designations, so there is a grey area. He is willing to file an amendment asking that it not only embrace the road but any right-of-way that may be there regardless of if there may be a road on it. Matt asked if there is a map attached to the petition. Bonnie stated that there is a small map attached to the petition, but she has a larger map in her office that has the adjoining landowner names on it. Commissioner Lythgoe asked if it would slow the process to add the language. Bonnie stated that if Greg were to amend, she will just attach it to the original petition. She has already certified the 10 freeholders, etc. Commissioner Weber stated that he doesn't think that it changes the time frame.

Commissioner Weber stated that normally, the Commission would designate a Commissioner and the Road Supervisor to view the road. The Road Supervisor is currently out and will be past the 30 day limit, and he is the acting Road Supervisor. Matt stated that he has no problem with Commissioner Weber doing both. Commissioner Lythgoe moved that the reviewers be acting Road Supervisor Commissioner Weber and Melissa our mapping tech. Commissioner Weber seconded. The motion carried.

DISCUSS AND DECIDE ON COMPUTER HARDWARE AND SOFTWARE UPGRADE

Commissioner Weber stated that he has asked Bonnie to attend this discussion. One, he has talked to her about the use of records retention funds to pay for this. Secondly, we now have the

ability to take ballots by e-mail. One of the stipulations to this is that the ballot will be seen by only two judges. Bonnie's concern is that if we retain all e-mails, someone's vote may be able to be seen by more than the two judges. Commissioner Weber stated that he has discussed this with Carl Purdy, Information Technology Coordinator and Matt Johnson, County Attorney.

Carl Purdy stated that he did some further review on this. He still interested in InBoxer and Cryoserver. All e-mails will be archived on these systems, and they are archived before the recipient sees them. To remain forensically sound, there can be no exception. They are encrypted, so that no one can read them but an administrator. Commissioner Lythgoe asked if it is important that anyone other than Carl and Bonnie be administrator. Carl stated that he thinks that it is. Commissioner Lythgoe stated that he would think that the opposite would be true; it seems like the less people that can access the e-mails, the better. Commissioner Weber asked if Bonnie has any other concerns. Bonnie stated that her concerns come from ballots that will be e-mailed from overseas, mostly from Iraq. When a ballot is submitted in this way, the sender signs an affidavit that states that they understand that they are giving up their right to privacy. State law dictates that in this case, only two judges will view these ballots. She is not sure what can be done to safeguard that vote. At this time, the Department of Defense, who oversees the voting for overseas voters, has really pushed to get the e-mail service set up, because that is probably the only way that those votes will be counted.

Commissioner Weber asked if there is some way to encrypt the e-mails. Carl stated that they all will be encrypted, and the only people who can look at them are the receiver and the administrators. Commissioner Lythgoe asked if there is some way to pull these e-mails out. Carl stated that this could be done at discovery. Commissioner Lythgoe stated that in the time being, there is a way to not allow a private citizen to come in and look at these. Carl stated that this is correct. We can't have some that just don't reach the system. We can designate which ones go to the attorney, for instance. Bonnie asked if she could have another e-mail address that she could use just for the ballots. Carl stated that she could. Bonnie stated that this way she would know that everything to that address is a ballot. That way if someone comes in and wants to look at e-mails, they would be available. Carl stated that he is also looking at an encryption program called Pretty Good Privacy that allows for encryption both ways. He is researching this, costs, etc., and this can be set up on a user-by-user basis. This would allow the recipient to be the only one able to read the e-mail. Commissioner Lythgoe stated that the important thing is to have these ballots remain private, and there seems to be a way to do that. Matt stated that he is sure that there is a way to make it that Bonnie is the only one to have access to the ballot. He feels that it would be best to have a separate e-mail just for ballots.

Commissioner Weber stated that the other part of this discussion is the funding source. Bonnie stated that she took a look at what she has budgeted and allocated at this time. She has about \$10,000 available for this. Carl stated that it would cost \$16,638 for Cryoserver three-year contract, with the money to be paid in a lump up front. Commissioner Weber noted that Carl listed 6 products, with Cryoserver and InBoxer as his first choices. He feels that the argument made for Cryoserver was valid. The fact that it has already been used with our server makes it attractive also.

Commissioner Weber moved to use the Cryoserver product. Commissioner Lythgoe seconded. The motion carried. As for the funding source, we could get one year or three years and save

considerable money. Carl stated that if we buy the three year, we save \$1,187. Commissioner Weber asked Bonnie if the saving of \$1,187 or spending the lesser amount up front is more attractive. Bonnie stated that she is always for saving money. One, we should always save money if we can. This is not a lot in the big picture, but still saves money. Two, we have to save these documents for three years, so we should go for the three year plan. Bonnie stated that she might be able to cover the entire amount; she will need to check with some departments. She explained that she is currently using the money for copying records for other departments, but suggested that she could stop this for a few months. Commissioner Weber stated that another option would be spreading the cost out over all the departments that use e-mail or using PILT. Bonnie stated that she can't speak for every department, but as the person that pays the bills, departments don't have the money to spend. Feel that it would be better for her to pay for it. Apart from creating a lot of files that take up a lot of space, she can't think of another solution. Carl stated that it will free up a lot of space, as e-mails are archived off of the computers.

Commissioner Weber moved to purchase the Cryoserver for the three-year contract, using records retention funds to purchase. Commissioner Lythgoe seconded. The motion carried.

DISCUSS AND DECIDE ON COMMISSION BOARD APPOINTMENTS

Commissioner Weber stated that he drew up his recommendations and asked if there are any comments to this. Commissioner Lythgoe noted that several departments have been changed. Commissioner Weber stated that all of the elected officials report to the chair, so it made sense that the department heads would too. The only ones that he didn't change were those that had a board associated with them. Commissioner Weber moved to accept the list. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER